

USE OF NATIONAL FOREST LANDS FOR PUBLIC SCHOOL PURPOSES

SEPTEMBER 9, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 2223]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2223) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize transfers of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORIZATION OF USE OF NATIONAL FOREST LANDS FOR PUBLIC SCHOOL PURPOSES.

(a) TRANSFERS.—The Secretary of Agriculture may, upon a finding that the transfer of certain National Forest lands for local public school purposes would serve the public interest, authorize the transfer of up to 40 acres of National Forest lands to a local governmental entity for public school purposes. The Secretary may make available only those National Forest lands that have been identified for disposal or exchange or are not otherwise needed for National Forest purposes. The Secretary shall make such transfers using the least amount of land required for the efficient operation of the project involved.

(b) COSTS.—Such transfers may be made at discounted or no-cost. The Secretary shall provide for a no-cost transfer to a local governmental entity for public school purposes if the Secretary determines that the charges for such lands would impose an undue hardship on the local governmental entity.

(c) CONDITIONS.—Such transfers shall be conditioned on the requirement that the lands so transferred will be used solely for public school purposes.

(d) DEADLINE FOR CONSIDERATION OF APPLICATION FOR USE FOR SCHOOL.—If the Secretary receives an application from a duly qualified applicant that is a local edu-

cation agency seeking a conveyance of land under this Act for use for an elementary or secondary school, including a public charter school, the Secretary shall—

- (1) before the end of the 10-day period beginning on the date of that receipt, provide notice of that receipt to the applicant; and
- (2) before the end of the 90-day period beginning on the date of that receipt—
 - (A) determine whether or not to convey land pursuant to the application, and notify the applicant of that determination; or
 - (B) report to the Congress and the applicant the reasons that determination has not been made.

Amend the title so as to read:

A bill to provide for the use of certain National Forest lands for public school purposes.

PURPOSE OF THE BILL

H.R. 2223 would amend the Act popularly known as the Recreation and Public Purposes Act to authorize transfers of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In 1954 Congress passed the Recreation and Public Purposes Act (R&PPA). The Act authorized the sale or lease of Bureau of Land Management (BLM) land to state and local governments and qualified non-profit organizations for public purposes. Typically, the R&PPA is used for schools, parks, fairgrounds, campgrounds, historic monument sites, hospitals, and municipal facilities.

The R&PPA has served the public well. It has allowed many communities to build needed public facilities that couldn't have been built otherwise. Unfortunately, many of the "landlocked" towns of the west (those that are completely surrounded by federal land) are surrounded by U.S. Forest Service land, not BLM land. Since Forest Service land may not be conveyed under the R&PPA, these towns are at a disadvantage. Private land within National Forests is becoming extremely expensive, and often school districts can't afford to purchase private land for schools.

While under certain statutes the U.S. Forest Service has the authority to sell land, they must do so at full market value. School districts are still, therefore, often priced out of the market just as they would be if they had to buy private land.

On numerous occasions Congress has passed individual bills that have transferred Forest Service Land to local governments or education agencies for public purposes. Unfortunately, passing individual legislation for each community in need of Forest Service land is inefficient and burdensome on Congress. Congress could solve this issue and benefit rural school districts by delegating the authority to discretionarily make such transfers to the Forest Service. H.R. 2223 was designed for this purpose, and would accomplish it by bringing the Forest Service under the R&PPA.

COMMITTEE ACTION

H.R. 2223 was introduced on July 23, 1997, by Congressman J.D. Hayworth (R-AZ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands and the Subcommittee on Forests

and Forest Health. On February 24, 1998, the National Parks Subcommittee held a hearing on H.R. 2223, where witnesses testified in favor of the bill. The Forest Service testified in opposition to the bill, citing policy reason why the Forest Service should not transfer land at less than full market value, no matter how good the cause. See Committee on Resources Printed Hearing 105-71. On May 21, 1998, the Subcommittee met to mark up H.R. 2223. An amendment to clarify that the Secretary of Agriculture, not the Secretary of Interior, would manage Forest Service lands under the Recreation and Public Purposes Act was offered by Congressman James V. Hansen (R-UT), and adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On July 29, 1998, the Full Resources Committee met to consider H.R. 2223. The Subcommittee on Forests and Forest Health was discharged from further consideration of the bill by unanimous consent. An amendment in the nature of a substitute that would give the Forest Service statutory authority separate from the R&PPA to transfer Forest Service land to education agencies at less than full market value was offered by Delegate Eni Faleomavaega (D-AS). An amendment to the Faleomavaega amendment that would ensure expedited review of applications from education agencies and that would clarify that charter schools were included in the definition of education agencies was offered by Congressman Hansen and adopted by unanimous consent. The Faleomavaega amendment in the nature of a substitute as amended was then adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Authorization of use of National Forest lands for public school purposes

Section 1(a) of the bill authorizes the transfer of up to 40 acres of certain National Forest lands for school purposes. It is the intention of the Committee and the sponsor of the legislation to include charter schools in the definition of public schools.

Section 1(b) authorizes such transfers at a discounted cost or no cost at all. It was the Committee's original intent to convey this land at no cost to the local education agencies. However, an agreement was reached to authorize the sale of certain National Forest lands at a discounted price to local education agencies. Nevertheless, it was the Committee's intent to follow the guidelines established by the R&PPA. Under the R&PPA, the BLM has set up a special pricing scale to determine at what price the land will be sold.

The October 1994 BLM guide on the R&PPA clearly explains the special pricing system. It states: "Under special pricing schedules, purchases may be made for \$10 an acre, with a minimum price per transfer of \$50. * * * Special pricing applies to land which will be government-controlled, used for government purposes, and serve the general public. Examples include * * * educational facilities." Therefore, it is the Committee's conclusion that if the Secretary of Agriculture chooses to sell National Forest land to a local education agency at a discounted price, this land should be sold using the

special pricing system established by the R&PPA. Under the bill, a local education agency should pay no more than \$400 for acreage to build school facilities.

Section 1(d)(2) amends the original bill's expedited review provision from 60 to 90 days.

It was the intention of the sponsor and the Committee that the original bill amend the Recreation and Public Purposes Act (43 U.S.C. 869); the reported text is a stand-alone provision. However, as noted above, it is the Committee's intent to use established precedence under the R&PPA for carrying out this legislation.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3, of the Constitution of the United States grant Congress the authority to enact H.R. 2223.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2223. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2223 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2223 could result in a loss of offsetting receipts, but that any such loss would total less than \$500,000 a year.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2223.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2223 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2223, a bill to provide for the use of certain National Forest lands for public school purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 2223—A bill to provide for the use of certain National Forest lands for public school purposes

CBO estimates that enhancing H.R. 2223 would have no significant impact on the federal budget. Because H.R. 2223 could result in a loss of offsetting receipts, pay-as-go procedures would apply; however, CBO estimates that any such effect would total less than \$500,000 each year. H.R. 2223 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 2223 would authorize the Secretary of Agriculture to transfer up to 40 acres of land in the National Forest System to a local government for public school purposes. Only land identified for disposal or exchange, or not otherwise needed for National Forest purposes, would be available for transfer. The bill would allow the Secretary to transfer the land for a payment less than fair market value or at no cost to the local government. The bill would require the Secretary to notify local education agencies applying for such transfers within 90 days of their application as to whether the land will be conveyed, or report to the Congress and the applicant the reasons that such a determination has not been made.

CBO estimates that enacting H.R. 2223 would result in forgone offsetting receipts if land that the Secretary would likely sell at fair market value under current law would, under the bill, be transferred to local governments at a discount or at no cost. However, CBO estimates that any such loss of receipts from land sales would total less than \$500,000 each year. This bill would benefit some local governments by giving them the opportunity to acquire National Forest land for public schools at no cost, or at prices below market value.

The CBO staff contact is Victoria V. Heid. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2223 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 2223 would make no changes in existing law.

